

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SSI TECHNOLOGIES, LLC,

Plaintiff,

v.

OPINION and ORDER

DONGGUAN ZHENGYANG ELECTRONIC
MECHANICAL LTD,

20-cv-19-jdp

Defendant.

The court ruled on summary judgment that defendant Dongguan Zhengyang Electronic Mechanical LTD (DZEM) infringes the '038 patent owned by plaintiff SSI Technologies, LLC. Dkt. 239. SSI moves for a permanent injunction enjoining DZEM from making, using, offering for sale, or importing its infringing sensor. Dkt. 245. DZEM asks the court to deny the motion or at least defer the motion until after the trial on damages. Dkt. 251.

Because SSI and DZEM are direct competitors in the same market, the entry of an injunction against DZEM's continued infringement seems almost inevitable. But there are factual disputes pertinent to the timing of the injunction. DZEM doesn't dispute that it has taken market share from SSI, but it contends that the shift in market share is attributable to factors other than DZEM's infringement. And DZEM contends that it needs time to validate its non-infringing alternative, and thus the balance of harms and the interests of its customers militate against issuing an injunction immediately.

The facts needed to decide the injunction issue will be developed at the trial on damages, scheduled to start September 30. The court is not persuaded that the potential harm to SSI requires the court to act immediately, rather than six weeks from now. So the court will defer ruling on SSI's motion until the evidentiary record is developed at trial. And the parties

should expect an immediate hearing on any injunction-related factual matters that are not addressed during the damages trial.

For now, the court will deny SSI's motion without prejudice. But the clock is running, and DZEM would be well advised to expedite the validation of its non-infringing alternative.

ORDER

IT IS ORDERED that plaintiff SSI Technologies, LLC's motion for a permanent injunction, Dkt. 245, is DENIED without prejudice.

Entered August 14, 2024.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge